

FILED 15 MAY 20 10:16 USDIC-ORF

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of Oregon

ANTHONY KRASS SWIFT

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MULTNOMAH COUNTY SHERIFFS
OFFICE PORTLAND POLICE DEPARTMENT
GANG TASK FORCE OFFICER WHELAN

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

3:20-cv-00363-SB

(to be filled in by the Clerk's Office)

AMENDED COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

ANTHONY KRONIS SWIFT

MULTNOMAH COUNTY JAIL

MCDC
1120 SW 3RD OR 97204
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

PORTLAND POLICE DEPARTMENT
GANG TASK FORCE

1120 SW 3RD P.O. 97204
City State Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

MULTNOMAH COUNTY SHERIFF
MICHAEL REESE

1120 SW 3RD OR PORTLAND 97204
City State Zip Code

☐ Individual capacity ☒ Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Officer Wheldon
GANG TASK FORCEPORTLAND POLICE OFFICER
MULTNOMAH COUNTY SHERIFF
1120 SW 3RD ST, 97204

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th and 8th Amendment Rights

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

THE PORTLAND POLICE DEPARTMENT REPRESENTED BY OFFICER WHELDON OF GANG TASK FORCE VIOLATED MY 4TH AND 8TH AMENDMENTS BY DETAINING ME SEARCHING ME AND TAKING ME INTO CUSTODY FOR 3 DAYS WITHOUT A WARRANT, WITHOUT A CRIME COMMITTED BY ME

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

I HADN'T COMMITTED ANY CRIME, I DIDN'T HAVE ANY WARRANTS
I WASN'T BREAKING THE LAW AND ON 9/9TH AND POWELL I WAS
DETAINED TAKEN INTO CUSTODY AND HELD FROM 12:31 PM TO 12:31 PM

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

NA

C. What date and approximate time did the events giving rise to your claim(s) occur?

12-21-19 To 12-23-19 AROUND 5pm

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

OFFICER WHELDON FROM ~~THE~~ GANG TASK FORCE ARRESTED ME AND DETAINED ME ILLEGALLY FROM 12-21-19 TO 12-23-19 TO QUESTION ME. I HAD NO WARRANTS I DID NOT COMMIT ANY CRIMES AND I WASN'T CHARGED WITH ANY CRIMES

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

NA

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

MY 1978 CHEVY \$10,000 ALL OF MY CLOTHES \$2,500
MY BICYCLES X 2 \$1,000 ALL OF MY TOOLS FOR HVAC
\$7,500.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes
☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes
☐ No
☐ Do not know

NA

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes
☒ No
☐ Do not know

NA

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☐ No

I'm not sure
under what premise the suit I
Filed in 1995 concluded
Regarding your
question

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

STACI

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

ANTHONY KRONUS SWIFT
STORY COUNTY JAIL

2. Court (if federal court, name the district; if state court, name the county and State)

IT WAS IN IOWA AMES STORY COUNTY

3. Docket or index number

I CAN'T REMEMBER

4. Name of Judge assigned to your case

I CAN'T REMEMBER

5. Approximate date of filing lawsuit

1995

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

1997 MAYBE

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Appealed

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

5-5-20

Signature of Plaintiff

Anthony Swift

Printed Name of Plaintiff

ANTHONY SWIFT

Prison Identification #

62233

Prison Address

1120 SW 3RD PORTLAND OREGON 97204

City

State

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Multnomah County Sheriff's Office

SERVICE REQUEST FORM

NAME: <u>Anthony Swift</u>	SWIS#: <u>G2233</u>	HOUSING UNIT: <u>4-C-5</u>	DATE: <u>4-27-20</u>
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Refer to the INMATE MANUAL and COMMONLY ASKED QUESTIONS booklets in your housing area for information relating to your request, before completing this form. While responses are not required, staff will address concerns noted in an appropriate manner.

MARK THE APPROPRIATE BOX (CHECK ONLY ONE)

<input type="checkbox"/> ADA COORDINATOR	<input type="checkbox"/> FOOD SERVICES	<input checked="" type="checkbox"/> RECORDS
<input type="checkbox"/> CHAPLAIN	<input type="checkbox"/> INMATE MAIL	<input type="checkbox"/> SERGEANT _____
<input type="checkbox"/> CLASSIFICATION	<input type="checkbox"/> INMATE PHONE/KIOSK	<input type="checkbox"/> SHIFT LT _____
<input type="checkbox"/> COMMISSARY	<input type="checkbox"/> JAIL DETECTIVE	<input type="checkbox"/> VISITING
<input type="checkbox"/> COUNSELOR _____	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> PROPERTY	
<input type="checkbox"/> FACILITY COMMANDER	<input type="checkbox"/> PAROLE/PROBATION OFFICER _____	

USE ONLY ONE FORM PER REQUEST

(Be specific and provide only information relating to your request)

MAY I PLEASE HAVE A COPIE OF MY DATE I
WAS ARRESTED IN DECEMBER 2019 I THINK IT
WAS FROM THE 21st OF DEC UNTIL THE 23rd OF
2019. PLEASE THANK YOU. MY PAPERWORK GOT WET.

STAFF USE ONLY

Date Received: <u>04/28/2020</u>	Date Responded: <u>04/28/2020</u>	Responded By: <u>BP</u>	DPSST#: <u>17559</u>
<u>Arrest date was 12-21-19 released 12-23-19</u>			

Oficina Del Sheriff Del Condado De Multnomah

FORMA DE PETICION DE SERVICIO

NOMBRE:	SWIS#:	DORMITORIO:	FECHA:
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Antes de completar este formulario, refiérase al MCSO Manual de Presos en las Preguntas Frecuentes, que se encuentra en su dormitorio, para obtener más información relacionada con su solicitud. No espere una respuesta personal, le aseguremos que su petición será tratada apropiadamente por el personaje a cargo.

MARQUE LA CAJA APROPIADA (MARQUE UNA)

<input type="checkbox"/> ARCHIVOS	<input type="checkbox"/> CONSEJERO _____	<input type="checkbox"/> SERVICIO DE ALIMENTOS
<input type="checkbox"/> BIBLIOTECA DE LEYES	<input type="checkbox"/> CORREO DE PRESO	<input type="checkbox"/> TELEFONO/QUIOSCO
<input type="checkbox"/> CAPELLAN	<input type="checkbox"/> DETECTIVE DE LA CARCEL	<input type="checkbox"/> TENIENTE _____
<input type="checkbox"/> CLASIFICACION	<input type="checkbox"/> EDUCACION	<input type="checkbox"/> VISITA
<input type="checkbox"/> COMANDANTE DEL COMPLEJO	<input type="checkbox"/> PROPIEDAD	<input type="checkbox"/> OTRA _____
<input type="checkbox"/> TIENDA	<input type="checkbox"/> SARGENTO _____	
<input type="checkbox"/> COORINADOR DE LA LEY DE AMERICANOS DISCAPACITADOS	<input type="checkbox"/> AGENTE DE LIBERTAD CONDICIONAL _____	

USE UN FORMULARIO POR CADA NECESIDAD*(Sea específico con su petición)*

PARA USO OFICIAL

Date Received: _____ Date Responded: _____ Responded By: _____ DPSST# _____

Rec'd/ Distributed	Initial Processing	Reviewed	Initial Time Calc	Review Time Calc

FILED 15 MAY '20 10:45 AM

CASE NO 3:20-cv-00363-SB / MAY 3rd 2020
SUN 8:00 PM.

It is A FACT, that the GANG TASK FORCE / PORTLAND
POLICE ARE diligently TRAINED TO A STANDARD.
It is A FACT, that MR WHELDON forgot that
precise STANDARD ON 12-21-19 when he
DETAINED AND ARRESTED MR SWIFT ON 99th
AND POWELL AT APPROXIMATELY 500 PM BY HIM
SELF, then when BACKUP ARRIVED MR WHELDON
TOOK MR SWIFT INTO CUSTODY, where MR
SWIFT WAS QUESTIONED AND PHYSICALLY
SWABBED FOR EVIDENCE THEN AFTER
THREE DAYS WAS RELEASED ON 12-23-19
MR SWIFT HAD NO WARRENTS FOR HIS ARREST
AND WASN'T ARRESTED FOR A CRIME WHATSOEVER.
THE FACT THAT GANG TASK FORCE ILLEGALLY ^{DETAINED} ARRESTED
MR SWIFT AND HELD HIM FOR THREE DAYS DOESN'T MEET

CASE NO 3:20-cv-00363-SB

THE STANDARD OF THE TRAINING FOR THE
PORTLAND POLICE DEPARTMENT. THERE FOR
THE FACT REMAINS THAT MR SWIFT WAS
KIDNAPPED AND HELD IN CUSTODY AGAINST ALL
TRAINING PROCEDURE RULES OF CONDUCT.
MR SWIFT LOST HIS TRUCK AND EVERYTHING
IN IT DUE TO THE LACK OF PERSONAL TRAINING.
THIS CLAIM HAS ENOUGH EFFECT TO SIGNIFICANTLY
GAIN THE COURTS INTEREST WITH THE IMPACT OF
MR SWIFT'S LOSS OF POSSESSIONS AND MR
SWIFT'S RIGHT TO INTERACTIONS WITH PORTLAND
POLICE WHO HAVE ~~BEEN~~ TRAINED PROFESSIONALLY WHICH
THE OFFICERS INVOLVED IN TAKING HIM INTO CUSTODY
AND DETAINING HIM FROM 12-21-19 TO 12-23-19 WERE
OBVIOUSLY NOT. FALSE ARREST IS THE CLAIM. ^{4TH AND 8TH AMENDMENTS}